IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

CWP No.818 of 2005

Date of decision: 21.12.2006

Mohinder Singh …Petitioner

Versus

State of H P & others … Respondents

Coram:

The Hon'ble Mr.Justice Deepak Gupta,J.

The Hon'ble Mr Justice Surinder Singh,J.

Whether approved for reporting ?[1]

For the Petitioner.	**Mr R D Kaundal, Advocate.**
For respondents 1,3 & 4	**Mr M S Chandel, Advocate General, With Mr. Ram Murti Bisht, Deputy Advocate General.**

Deepak Gupta,J. (Oral)

Services of the petitioner were admittedly terminated in the year 1986. He filed a Reference after a period of 14 years in the year 2000. During the course of the Reference proceedings, learned counsel for the petitioner made a statement that claim for back wages is not pressed. The learned Labour Court held that termination of services of

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[1] ***Whether the reporters of Local Papers may be allowed to see the judgment ?***

the petitioner was in violation of Section 25(F) of the Industrial Disputes Act and directed that he be reinstated in service. The petitioner was granted seniority and continuity in service w.e.f. 29th July,2000, the date of Reference.

It is contended by Mr Kaundal, learned counsel for the petitioner that the petitioner should have been granted benefits of seniority and continuity of service w.e.f. from the date of his termination. He has relied upon ***Ajaib Singh vs The Sirhind Co-op. Marketing-cum-Processing Service Society Ltd.*** 1999(4) SLR 109. The law on the question undergone has undergone a sea change in the last six years. The Apex Court in ***Reserve Bank of India vs Gopinath Sharma and another*** (2006) 6 SCC 221 has clearly held that such a long period of delay is sufficient to reject the claim of the workman itself. What to talk of seniority the Apex Court has held that even an order of termination cannot be challenged after such a long period. We find no merit in this petition and the same is dismissed.

(Deepak Gupta),J.

December 21, 2006 (Surinder Singh),J.
(D)